

# HOUSE BILL No. 1199

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-50-1-2.

**Synopsis:** Concurrent and consecutive sentencing. Specifies that the definition of "crime of violence" for purposes of the law concerning concurrent and consecutive sentencing includes an attempt to commit a crime of violence.

**Effective:** July 1, 1999.

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January 11, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1199

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 35-50-1-2 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) As used in this
- 3 section, "crime of violence" means:
- 4 (1) murder (IC 35-42-1-1);
- 5 (2) voluntary manslaughter (IC 35-42-1-3);
- 6 (3) involuntary manslaughter (IC 35-42-1-4);
- 7 (4) reckless homicide (IC 35-42-1-5);
- 8 (5) aggravated battery (IC 35-42-2-1.5);
- 9 (6) kidnapping (IC 35-42-3-2);
- 10 (7) rape (IC 35-42-4-1);
- 11 (8) criminal deviate conduct (IC 35-42-4-2);
- 12 (9) child molesting (IC 35-42-4-3);
- 13 (10) robbery as a Class A felony or a Class B felony
- 14 (IC 35-42-5-1);
- 15 (11) burglary as a Class A felony or a Class B felony
- 16 (IC 35-43-2-1); or
- 17 (12) causing death when operating a motor vehicle

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IN 1199—LS 6589/DI 69+



(IC 9-30-5-5).

**The term includes an attempt to commit a crime listed in subdivisions (1) through (12).**

(b) As used in this section, "episode of criminal conduct" means offenses or a connected series of offenses that are closely related in time, place, and circumstance.

(c) Except as provided in subsection (d) or (e), the court shall determine whether terms of imprisonment shall be served concurrently or consecutively. The court may consider the aggravating and mitigating circumstances in IC 35-38-1-7.1(b) and IC 35-38-1-7.1(c) in making a determination under this subsection. The court may order terms of imprisonment to be served consecutively even if the sentences are not imposed at the same time. However, except for crimes of violence, the total of the consecutive terms of imprisonment, exclusive of terms of imprisonment under IC 35-50-2-8 and IC 35-50-2-10, to which the defendant is sentenced for felony convictions arising out of an episode of criminal conduct shall not exceed the presumptive sentence for a felony which is one (1) class of felony higher than the most serious of the felonies for which the person has been convicted.

(d) If, after being arrested for one (1) crime, a person commits another crime:

(1) before the date the person is discharged from probation, parole, or a term of imprisonment imposed for the first crime; or

(2) while the person is released:

(A) upon the person's own recognizance; or

(B) on bond;

the terms of imprisonment for the crimes shall be served consecutively, regardless of the order in which the crimes are tried and sentences are imposed.

(e) If a court determines under IC 35-50-2-11 that a person used a firearm in the commission of the offense for which the person was convicted, the term of imprisonment for the underlying offense and the additional term of imprisonment imposed under IC 35-50-2-11 must be served consecutively.

**SECTION 2. [EFFECTIVE JULY 1, 1999] IC 35-50-1-2, as amended by this act, applies to crimes committed after June 30, 1999.**

